

Remarks

The Examiner has asserted that claims 47-79, submitted on September 30, 2008 were unrelated to the previous claims 37-40 and 42-46. In order to advance prosecution, Applicants herein cancel claims 60-79 without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of the canceled claims in continuing applications. Claims 47, 49, 52, 53, and 56-59 are amended herein. Support for the amendments can be found, *inter alia*, at paragraphs 76-78, 147, 148, and 152 of the specification.

No new matter is added by the amendments. Claims 47-59 are pending in the application. Consideration and entry of these remarks and amendments is respectfully requested.

Examiner Interview

Applicants thank the Examiner for the courtesy of a phone interview on January 21, 2009 during which the Examiner clarified his views on the scope of the elected invention. Although not addressed by the December 23, 2008 Office communication, Applicants response to the rejections presented in the March 31, 2008 Office Action are reproduced below for the Examiner's convenience but have been modified to reflect the current amendments to the claims.

I. Rejections Under 35 U.S.C. § 102(e)

Claims 37-40, 44 and 46 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dumas Milne Edwards *et al.* (U.S. Pat. No. 7,060,479) in view of von der Haar *et al.* (*Trends in Microbiology*, 15:78-86, 2007). (Office Action, page 3.) Applicants respectfully disagree but in order to advance prosecution, Applicants have canceled claims and added new claims.

The Examiner asserts that Dumas Milne Edwards *et al.* inherently discloses clone collections with suppressible stop codons. (Office Action, page 4.) While Applicants disagree with the Examiners' assertion, Applicants have canceled claims 37-40, 44 and 46 and added new claims 47-59 which are directed in part to clone collections wherein "each clone comprising an open reading frame which encodes a polypeptide of interest, wherein the polypeptide of interest is a druggable target, and wherein the open reading frame further comprises an internal suppressible stop codon." The present claims encompass a nucleic acid molecule which may have more than one stop codon. For example, in the case of a fusion protein, there may be a stop

codon at the end of the region encoding a C-terminal tag and a second stop codon within the region encoding the polypeptide of interest (see claims 52 and 53).

As noted by the Examiner on page 4 of the Office Action, Dumas Milne Edwards *et al.* discloses nucleic acid sequences that start with a start codon and end with a stop codon. Dumas Milne Edwards *et al.* does not disclose clone collections with an internal stop codon as presently claimed, therefore Dumas Milne Edwards *et al.* does not anticipate claims 47-59.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 102(e).

II. Rejections Under 35 U.S.C. § 103(a)

Claims 42 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dumas Milne Edwards *et al.* in view of von der Haar *et al.* and Stearman *et al.* (*Science*, 271:1552-1557, 1996). (Office Action, page 8.) Applicants respectfully disagree.

Claim 37 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dumas Milne Edwards *et al.* in view of von der Haar *et al.* and Senecoff *et al.* (*JBC*, 261:7380-7386, 1986). (Office Action, page 10.) Applicants respectfully disagree.

As noted above, in order to advance prosecution, Applicants have canceled claims 37-40 and 42-46 and added new claims 47-59 which are directed in part to clone collections wherein “each clone comprising an open reading frame which encodes a polypeptide of interest, wherein the polypeptide of interest is a druggable target, and wherein the open reading frame further comprises an internal suppressible stop codon.” None of the cited art, alone or in combination, teach or suggest clone collections with an internal stop codon as presently claimed.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a).

Conclusion

Applicants believe that a full and complete Reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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